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Security Council

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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 11 September 2008 from the Permanent Mission of Kuwait to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the State of Kuwait to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1737 (2006) and has the honour to refer to the measures taken by the State of Kuwait in compliance with paragraph 13 of Security Council resolution 1803 (2008)

In this regard, the Permanent Mission of Kuwait wishes to communicate to the Committee the measures that the Ministry of Interior is taking to implement the requirements of the said resolution (see annex).

While the Ministry of Interior of the State of Kuwait wishes to confirm its commitment to effectively implementing all the provisions of the resolution, it also wishes to make reference to the fact that the State of Kuwait has national laws vis-à-vis the various matters set forth in the resolution, the most important among being the following:

(a) The applicable law which normally regulates the entry, exit and stay of foreigners in the State of Kuwait is Amiri Decree No. 17 of 1959, and its executive warrant issued by Ministeria Decision No. 640 of 1987, and their amendments, which the Ministry implements thoroughly;

(b) The Ministry executes its authority according to the laws, which permit law enforcement agencies to stop and search ships and vessels suspected of illegal activities in Kuwaiti territorial waters, or aircrafts and vessels that violate relevant international agreement.

Finally, the State of Kuwait wishes to reaffirm its unwavering commitment to implementing Security Council resolutions as enshrined in articles (25, 36, 39, 40, 41 and 42) of the Charter of the United Nations. As a Member State of the United Nations, Kuwait is committed to the provisions of the Charter, as well as to respecting the resolutions of the Security Council, since it is the executive organ of the United Nations.

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Annex to the note verbale dated 11 September 2008 from the Permanent Mission of Kuwait to the United Nations addressed to the Chairman of the Committee

[Original: Arabic]

18 August 2008

No. 001741/*`ayn*

Ministry of the Interior
The Under-Secretary

Re: Implementation of Security Council resolution 1803 (2008)

Sir,

I refer to our letter No. 1565/*`ayn* of 20 July 2008, and to your letter No. 20081048 dated 24 June 2008, regarding measures taken pursuant to United Nations Security Council resolution 1803 (2008) concerning the imposition of sanctions on the Islamic Republic of Iran.

You request information on the laws that normally govern implementation of resolutions which impose sanctions on a particular party.

Having considered the aforementioned resolution concerning the imposition of sanctions on the Islamic Republic of Iran, which calls on States to undertake certain major commitments, we should like to inform you that the relevant laws are as set forth below:

1. Resolution 1803 (2008), paragraph 5, provides that all States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated in Annex II to that resolution. The law normally regulating the entry, residence and exit of foreigners in the State of Kuwait is Amiri Decree No. 17 of 1959 on the residence of foreigners, together with the implementing regulations adopted by Ministerial Decision No. 640 of 1987 and amendments thereto. That law is implemented by the Ministry of the Interior.

2. Paragraph 7 of resolution 1803 (2008), referring to resolution 1737 (2006), paragraph 12, provides that States shall freeze the funds, other financial assets and economic resources which are on their territories at the date of adoption of resolution 1737 (2006) that are owned or controlled by the persons and entities listed in Annexes I and III to resolution 1803 (2008), and those of any persons or entities acting on their behalf or at their direction. The Ministry of the Interior has no authority to deal with that demand, which in our opinion, is the responsibility of the Ministry of Finance or the Central Bank, as appropriate.

Under-Secretary
Department of International Organizations
Ministry of Foreign Affairs

3. Paragraph 10 of resolution 1803 (2008) calls upon all States to exercise vigilance over the activities of financial institutions in their territories with all banks domiciled in Iran. The Ministry of the Interior has no authority to deal with that demand either, which we believe to fall within the remit of the Ministry of Finance or the Central Bank, as the case may be.

4. Paragraph 11 of the same resolution calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, to inspect the cargoes to and from Iran, of aircraft and vessels, at their airports and seaports, owned or operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line. We should like to inform you that the Ministry of the Interior does have authority in that area, which it exercises through the competent agencies by intercepting vessels that are suspected of engaging in illegal activities in the State of Kuwait's territorial waters or are in violation of relevant international agreements. Anything beyond that is the responsibility of the General Administration of Customs or the General Administration of Civil Aviation, as appropriate.

Finally, we should like to draw your attention to a matter that we believe to be of importance, namely, that the laws and regulations normally enforced by the relevant agencies, including security and the judiciary, when applied to particular incidents, vary in accordance with the type of incident involved. Such laws may not be comprehensive, which might create lacunae, in particular when dealing with such highly political questions as those at issue here.

It should be noted that the Kuwaiti authorities are committed to implementing Security Council resolutions, in accordance with Articles 25, 36, 39, 40, 41 and 42 of the Charter of the United Nations, inasmuch as the State of Kuwait is a Member of the United Nations and committed to complying with and implementing its Charter, and honouring Security Council resolutions, given that the body is the executive organ of the United Nations.

For your information and such action as you deem appropriate.

Accept, Sir ...

(*Signed*) Ghazi Abdul Rahman **Al-Omar**
General
Acting Under-Secretary
Ministry of the Interior

20 July 2008

No. 001565/*'ayn*

Ministry of the Interior
The Under-Secretary

Re: Implementation of Security Council resolution 1803 (2008)

Sir,

Further to your letter No. 20081048 dated 24 June 2008 regarding measures taken with respect to United Nations Security Council resolution 1803 (2008) concerning the imposition of sanctions on the Islamic Republic of Iran, we are pleased to inform you of the measures taken by the Ministry with respect to the aforementioned United Nations Security Council resolution concerning the imposition of sanctions on the Islamic Republic of Iran.

The necessary arrangements have been made to circulate the names of the individuals whose names appear on the list of persons banned from entering or transiting the country. All trucks going to or coming from the Islamic Republic of Iran and all vessels owned and operated by the Islamic Republic of Iran Shipping Line will be subject to close inspection in case they are carrying prohibited goods. Should any shipments or cargo of prohibited goods coming from the Islamic Republic of Iran be seized, a report will be submitted.

For your information and such action as you deem appropriate.

Accept, Sir ...

(*Signed*) Ghazi Abdul Rahman **Al-Omar**
General
Acting Under-Secretary
Ministry of the Interior

Under-Secretary
Department of International Organizations
Ministry of Foreign Affairs

4 August 2008

No. 2581/q

The State of Kuwait
Ministry of the Interior
Department of Legal Affairs

Re: Security Council resolution 1803 (2008) concerning the imposition of sanctions on the Islamic Republic of Iran

Further to your letter 1596/*'ayn* dated 23 July 2008, to which was annexed Ministry of Foreign Affairs letter No. 20081048 dated 24 June 2008, and telegram No. 642 of 18 June 2008 from the Permanent Mission of the State of Kuwait to the United Nations in New York regarding the aforementioned subject, you request us to inform you which laws normally govern implementation of resolutions which impose sanctions on a particular party.

Having considered the aforementioned resolution concerning the imposition of sanctions on the Islamic Republic of Iran, which calls on States to undertake certain major commitments, we should like to inform you that the relevant laws are as set forth below:

5. Resolution 1803 (2008), paragraph 5, provides that all States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated in Annex II to the resolution. The law normally regulating the entry, residence and exit of foreigners in the State of Kuwait is Amiri Decree No. 17 of 1959 on the residence of foreigners, together with the implementing regulations adopted by Ministerial Decision No. 640 of 1987 and amendments thereto. That law is implemented by the Ministry of the Interior.

6. Resolution 1803 (2008), paragraph 7, referring to resolution 1736 (2006), paragraph 12, provides that States shall freeze the funds, other financial assets and economic resources which are on their territories at the date of adoption of resolution 1737 (2006) that are owned or controlled by the persons and entities listed in Annexes I and III to resolution 1803, and those of any persons or entities acting on their behalf or at their direction. The Ministry of the Interior has no authority to deal with that demand, which in our opinion, is the responsibility of the Ministry of Finance or the Central Bank, as appropriate.

7. Resolution 1803 (2008), paragraph 10, calls upon all States to exercise vigilance over the activities of financial institutions in their territories with all banks domiciled in Iran. The Ministry of the Interior has no authority with that demand either, which we believe to fall within the remit of the Ministry of Finance or the Central Bank, as the case may be.

Director-General of the Department for Follow-up of
Ministerial Councils and Committees

8. Paragraph 11 of the same resolution calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, to inspect the cargoes to and from Iran, of aircraft and vessels, at their airports and seaports, owned or operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line. We should like to inform you that the Ministry of the Interior does have authority in that area, which it exercises through the competent agencies by intercepting vessels that are suspected of engaging in illegal activities in the State of Kuwait's territorial waters or are in violation of the relevant international agreements. Anything beyond that is the responsibility of the General Administration of Customs or the General Administration of Civil Aviation, as appropriate.

Finally, we should like to draw your attention to a matter that we believe to be of importance, namely, that the laws and regulations normally enforced by the relevant agencies, including security and the judiciary, when applied to particular incidents, vary in accordance with the type of incident involved. Such laws may not be comprehensive, which might create lacunae, in particular when dealing with such highly political questions as those at issue here.

Accept, Sir ...

(*Signed*) Majid Yusuf **Al-Majid**
Brigadier-General
Director-General
Department of Legal Affairs

[*Additional illegible signatures*]

Ministry of Foreign Affairs
Department of International Organizations

24 June 2008

No. 20081048

Confidential and urgent

Sir,

Further to our note of 26 March 2008, a copy of which is annexed, regarding measures taken with respect to United Nations Security Council resolution 1803 (2008), which imposes sanctions on the Islamic Republic of Iran, we annex a copy of telegram No. 642 of 18 June 2008 from our Permanent Mission to the United Nations in New York to the effect that it has not received the report of the State of Kuwait on implementation of the aforementioned Security Council resolution.

We would therefore be grateful if you would inform us what measures have been taken pursuant to the aforementioned resolution, and which laws normally regulate resolutions that impose sanctions on a particular party.

Please take note.

Accept, Sir ...

(*Signed*) Mansour `Ayyad **Al-Otaibi**
Under-Secretary
Department of International Organizations
Ministry of Foreign Affairs

[*Handwritten note*:] Councils Affairs — for appropriate action

[*Additional illegible signatures, with the dates 22 June 2008 and 29 June 2008*]

[*Following page contains earlier version of this same letter without the handwritten note and additional signatures*]

Under-Secretary
Ministry of the Interior

26 March 2008

Confidential and urgent

Sir,

With reference to United Nations Security Council Resolution 1803 (2008) (see annex), adopted and binding under Chapter VII of the Charter of the United Nations, concerning the imposition of additional sanctions on the Islamic Republic of Iran because of its failure to respond to the demands of the international community, we would like to draw your attention to the major commitments that States are required to implement in accordance with resolution 1803 (2008).

Paragraph five of that resolution provides that all States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated in Annex II to that resolution.

Paragraph 7 of the same resolution, referring to the measures specified in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) (annexed) provides that States shall freeze the funds, other financial assets and economic resources which are on their territories at the date of adoption of that resolution and that those measures shall apply also to the persons and entities listed in Annexes I and III to resolution 1803 (2008), and any persons or entities acting on their behalf or at their direction, and to entities owned or controlled by them and to persons and entities determined by the Council or the Committee to have assisted designated persons or entities.

Resolution 1803 (2008), paragraph 10, calls upon all States to exercise vigilance over the activities of financial institutions in their territories with all banks domiciled in Iran, in particular with Bank Melli and Bank Saderat, and their branches and subsidiaries abroad, in order to avoid such activities contributing to the proliferation sensitive nuclear activities, or to the development of nuclear weapon delivery systems, as referred to in resolution 1737 (2006).

Paragraph 11 of the same resolution calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, to inspect the cargoes to and from Iran, of aircraft and vessels, at their airports and seaports, owned or operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line, provided there are reasonable grounds to believe that the aircraft or vessel is transporting goods prohibited under this resolution or resolution 1737 (2006) or resolution 1747 (2007).

Resolution 1803 (2008), paragraph 13, calls upon all States to report to the Committee within 60 days of the adoption of the resolution on the steps they have taken with a view to implementing effectively paragraphs 3, 5, 7, 8, 9, 10 and 11.

Under-Secretary
Ministry of the Interior

Please take note of this information and inform us of the measures that have been taken to implement the aforementioned paragraphs, in order to enable the Ministry to begin preparing a report for submission to the Security Council.

Accept, Sir ...

Under-Secretary
Ministry of Foreign Affairs

Date: 18 June 2008

No.: 642/278

Permanent Mission of the State of Kuwait to the United Nations

New York

Ministry of Foreign Affairs, Kuwait
Department of International Organizations

[*Handwritten*:] Urgent

Further to the Mission's previous correspondence regarding resolution 1803 (2008) of 3 March 2008 concerning the imposition of new sanctions on the Islamic Republic of Iran, paragraph 13 of the resolution calls upon all States to report to the Committee within 60 days of the adoption of the resolution on the steps they have taken with a view to implementing effectively paragraphs 3, 5, 7, 8, 9, 10 and 11.

We would like to inform you that the Mission has not yet received the report of the State of Kuwait on implementation of the resolution. Please send us the requested report in accordance with paragraph 13 of resolution 1803 (2008).

Please find attached the aforementioned resolution.

(*Signed*) [Illegible]